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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/427,114

10/26/1999

MITSURU OBARA

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01/10/2006

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
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EXAMINER

MEONSKE, TONIA L

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/427,114 | Applicant(s) OBARA ET AL. | |
| | Examiner Tonia L. Meonske | Art Unit 2181 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orimo et al., U.S. Patent Number 5,630,135 (herein referred to as Orimo) in view of Charles et al., US Patent 5,790,842 (herein referred to as Charles).
3. The rejections to claims 25 and 26 are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on July 26, 2005.
4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orimo et al., U.S. Patent Number 5,630,135 (herein referred to as Orimo) in view of <http://foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?query=image> (herein referred to as FOLDOC), and Charles et al., US Patent 5,790,842 (herein referred to as Charles).
5. The rejections to claims 1-6 and 8-24 are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on July 26, 2005.
6. Referring to claim 7, Orimo has taught the data processing system according to claim 6, as described above, and wherein said second controller rewrites said state information corresponding to said data to be processed in order to remove a part of said series of processing functions, if it is determined that said data to be processed has a prescribed attribute (column 11,

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lines 2-20, abstract, Based on the attribute information, instructions are selected to be removed from the network and processed.).

Response to Arguments

7. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed October 25, 2005 have been fully considered but they are not persuasive.

9. On page 14, Applicant argues in essence:

"Nothing in Orimo et al shows, teaches or suggests a first processor which executes processing on data and a second image processor which executes processing on data that was subjected to the first processing as claimed in claims 25 and 26."

However based on this argument and several other related arguments appearing in the remarks section, it appears that Applicant may have confused the newly applied rejection to the claims with the old rejection applied to the claims with respect to the Orimo reference. In the newly applied rejection, Orimo has in fact taught a first processor which executes processing on data and a second image processor which executes processing on data that was subjected to the first processing as claimed in claims 25 and 26. Column 2, lines 4-7 state that at least two first processors execute multiple-version programs, which perform the same function. Any of the first processors described by Orimo is equivalent to the claimed first processor of the instant application, also see the abstract and column 11, lines 4-6. The first processor of Orimo executes the data and outputs execution results via a transmitted message to the network, see column 11, lines 7-12, abstract,

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column 2, lines 6-15. A second processor described by Orimo, which is the claimed second processor of the instant application, receives a message containing the executed result and subsequently executes on the executed result data, see column 2, lines 9-16, abstract, column 11, lines 18-20. Therefore Orimo has in fact taught a first processor which executes processing on data (Column 2, lines 4-7, abstract and column 11, lines 4-6) and a second image processor which executes processing on data that was subjected to the first processing (column 2, lines 9-16, abstract, column 11, lines 18-20) as claimed in claims 25 and 26. Therefore this argument is moot.

10. The arguments appearing on page 14, line 12-page 15, line 5 are moot in view of the argument above.

11. On pages 15 and 16, Applicant argues in essence:

“Nothing in Orimo et al shows, teaches or suggests first and second processings are asynchronously executed as claimed in claims 25 and 26. Rather Orimo et al clearly teaches away from the claimed invention since the processors 11-13 are executed in parallel.”

However, while it may be true that some processings in elements 11-13 may be executed in parallel, that is irrelevant. As explained above, data is processed and executed in a first processor and the executed results are sent to the network via a message. A second processor receives the executed result data and further processes and executes the executed result data. In, Orimo the processors only rely on completion of a processing by the previous processor, not a clock signal, to determine when to execute the next

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processing (Orimo, column 2, lines 9-16). Therefore Orimo has in fact taught first and second processings are asynchronously executed. Therefore this argument is moot.

12. On page 15, Applicant argues in essence:

“Nothing in Charles et al shows, teaches or suggests first and second processors as claimed in claims 25 and 26.”

However, Charles has not been cited for teaching the claimed first and second processors.

Orimo has been cited for teaching the claimed first and second processors, see page 2, paragraph 4 of the last office action. Instead Charles has been cited for teaching image data processors sharing a common memory, see page 3, paragraph 4d of the last office action. Therefore this argument is moot.

13. On page 16, Applicant argues in essence:

“Nothing in Orimo et al shows, teaches or suggests that each processor executes a processing function different from one another as claimed in claims 1 and 11. Rather, Orimo et al merely discloses executing different versions of the same program (i.e., same processing functions)”

Applicant is correct in that Orimo discloses executing different versions of the same program. However Orimo has taught that the first processors execute multiple versions of the same program, whereas the second processor executes a different processing on the result data from one of the first processors (see abstract, column 2, lines 1-25, column 11, lines 2-20, specifically see, column 11, lines 18-20). Therefore this argument is moot.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

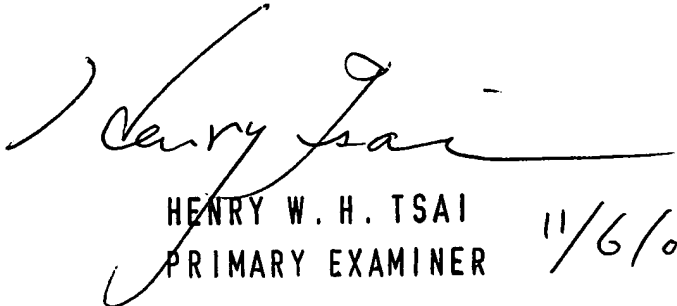
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, with every other Friday off.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm


HENRY W. H. TSAI
PRIMARY EXAMINER 11/6/06